



Appeal Decisions

Site visit made on 22 July 2019

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th July 2019

Appeal A Ref: APP/C1950/W/18/3216839

Norcott, West End Lane, Essendon, Herts, AL9 6AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr V Nevel against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2018/1620/HOUSE, dated 14 June 2018, was refused by notice dated 24 August 2018.
 - The development proposed is described as "*rear two storey extension and partial internal alteration similar to extension granted approval to adjoining Beggars Roost.*"
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Appeal B Ref: APP/C1950/Y/19/3221082

Norcott, West End Lane, Essendon, Herts, AL9 6AU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr V Nevel against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2018/1734/LB, dated 14 June 2018, was refused by notice dated 24 August 2018.
 - The works proposed are described as "*rear two storey extension and partial internal alteration similar to extension granted approval to adjoining Beggars Roost.*"
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Decision – Appeal A

1. The appeal is allowed and planning permission is granted for rear two storey extension and partial internal alteration similar to extension granted approval to adjoining Beggars Roost at Norcott, West End Lane, Essendon, Herts, AL9 6AU in accordance with the terms of the application, Ref 6/2018/1620/HOUSE, dated 14 June 2018, subject to the attached schedule of conditions.

Decision – Appeal B

2. The appeal is allowed and listed building consent is granted for rear two storey extension and partial internal alteration similar to extension granted approval to adjoining Beggars Roost at Norcott, West End Lane, Essendon, Herts, AL9 6AU in accordance with the terms of the application Ref 6/2018/1734/LB, dated 14 June 2018 and the plans submitted with it subject to the attached schedule of conditions.

Procedural Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Main Issue

4. The main issues are a) whether the development and works would preserve the grade II listed building or any features of special architectural or historic interest that it possesses (appeals A and B) and b) the effect on biodiversity (appeal A).

Reasons

Listed Building

5. Norcott is a 2-storey terraced property with attic level accommodation. It has a rendered and painted exterior with a plain tiled roof. Windows comprise of metal small paned casements and sash windows. To the rear the property is extended at ground floor level with a catslide roof with dormer window and modern rooflights.
6. The property forms part of a terraced row which is grade II group listed. The row as a whole dates from the 17th Century with a possible timber framed core and 19th Century alterations. The properties have also been altered and extended during modern times, with the addition of porches, and rear extensions as well as internal alterations. The appeal property has a modern staircase and limited internal historic features, although the original plan form of the appeal cottage is discernible.
7. The listed building clearly has a long and relatively complex history as a group. I consider that Norcott has architectural and historic significance as part of a terrace which has evolved and developed over several hundred years and in respect of its form and features illustrating the different architectural fashions of that time.
8. The proposed works would involve the removal of the existing rear lean-to extension and the erection of a 2-storey gabled extension. This would be painted brickwork and timber horizontal boards, along with casement windows. This has been purposefully designed to match an existing extension at the adjacent property 'Beggars Roost.'
9. It is believed that there was a catslide roof extension to the rear of the appeal property which dated back to the 19th Century. However, as stated by the appellant, consent was granted in 1996 to rebuild most of this in order to incorporate a modern stair, and dormer window to serve an upstairs bathroom. While this extension may have followed the original form and has utilised matching external materials, my view is that it has limited significance today in terms of historic fabric.
10. The language of the rear of the cottage has been greatly altered over time and there is limited continuity across the rear of the listed terrace. The rear of the property is much enclosed by the projecting form of Little House to the east, and the extension at Beggars Roost to the west.
11. I am also mindful that the addition of a further extension would form a continuation of the evolution of the building and its architectural vocabulary, in line with the neighbouring dwelling Beggars Roost.
12. While the form of the catslide roof would be lost, in light of my above assessment, I do not consider that this would cause harm to the listed terrace.

13. In terms of the scale and design of the proposals, this would match the neighbouring extension. While the Council state that this approved development is demonstrable of the harm which is caused to the architectural and evidential values of the property, they have not expressed in any detail why they came to this view.
14. The development would create a larger kitchen dining area and further bedroom with en-suite bathroom to the first floor. It would be in keeping with the architectural details extant along the listed terrace, but would not dominate the original form or function as a modest 17th Century row.
15. The Council also expressed concern at a lack of detailed assessment of the significance of the building or the impact of the proposed work, in conflict with paragraph 189 of the National Planning Policy Framework (the Framework). However, the Design and Heritage Statement dated 2nd July 2018 provides an assessment of the history and proposals and I consider this to be sufficient in this case, along with my own inspection of the site, in order to determine the appeal proposals.
16. Overall, I am satisfied that the scheme would not harm the special interest of the group listed building. The development and works would accord with Policy D1 of the Welwyn Hatfield District Plan 2005 (DP) which requires high quality design. My attention is also drawn to draft Policy SADM 15 of the Draft Local Plan submission version (2016). Although this is not adopted which limits the weight I can attach to this document, the proposals would sustain and enhance the heritage asset in a manner appropriate to its function, significance, character, setting, materials, form and scale. Thus I find no particular conflict with this draft policy.
17. Having had special regard and attention to the preservation of the designated heritage assets and found no harm, the duties laid down by the Planning (Listed Buildings and Conservation Areas) Act 1990 are also satisfied. The proposals also satisfy the Framework's requirement that great weight should be given to the conservation of designated heritage assets.

Biodiversity

18. The site has the potential for bat activity due to its rural location and location adjacent to a wildlife site which is known to have roosting bats. Bats are a European protected species and are subject to a high level of legal protection. It is essential that the presence of protected species, and the extent to which they may be affected is established before the grant of planning permission. The Framework also sets out that planning permission should be refused if significant harm to biodiversity cannot be avoided or adequately mitigated against (paragraph 175).
19. The Council have adopted a precautionary approach, concluding that insufficient information had been provided to establish whether the development would cause harm to protected species.
20. A Bat Preliminary Roost Assessment (PRA) has been produced by the appellant in support of the proposals. This found no evidence of bats within or on the appeal property. It did, however, identify that some of the roof tiles are naturally bowed which could be suitable for use by a roosting bat, thus resulting in a low potential for effects upon protected species.

21. The PRA considers that further summer survey work is necessary to fully assess whether bats do roost at the property. The report goes on to outline a worst-case scenario in that the building supports non-breeding summer roosts under the roof tiles. By way of mitigation, it recommends that the provision of alternative roosting locations may be achieved under the new roof tiles to the extension. Enhancements are also recommended through the erection of bat boxes at the site.
22. The Council's advisors Hertfordshire Ecology consider that there was a lack of information as to the location of the bowed roof tiles and whether these would be removed by the development. Furthermore, in light of the potential at the site for roosting, it was considered that a condition for further summer survey work would not be appropriate in accordance with paragraph 99 of Circular 2006/05 which states that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances.
23. Based on the evidence before me, I consider that a further survey needs to be undertaken to enable the full impact assessment of the proposal on protected species as recommended by the PRA. It is regrettable that further survey work has not been undertaken.
24. However, the potential is cited as being low and the PRA does outline a detailed mitigation strategy for a worse case scenario. The mitigation proposals are detailed and also offer biodiversity enhancements and in this regard I am satisfied that harm to biodiversity is likely to be avoided, but in the unlikely event that roosts were found, any effects would be adequately mitigated.
25. Exceptionally, I therefore consider that it would be reasonable to condition further survey work and mitigation measures. I also note that this is consistent with the Hertfordshire and Middlesex Wildlife Trust who were content that a condition could be imposed for the further survey work and mitigation measures to be imposed should bat or bat roosts be found.
26. Subject to the imposition of a condition I conclude that the proposed development would not have a harmful effect on bats and there would be no conflict with Paragraph 175 of the Framework, nor conflict with the development plan and in particular Policy R11 of the DP and the SADM16 of the emerging Local Plan. Taken together, these require that all new development demonstrates how it would contribute positively to the biodiversity of the site, if significant harm to biodiversity cannot be avoided or adequately mitigated then planning permission should be refused and proposals should maintain, protect and wherever possible enhance biodiversity.

Other Matters

27. The site is located within the Essendon Conservation Area, although the Council nor the appellant make any assessment of this. However, due to the lack of visibility of the development and works from the public realm, there would be no effect on the character or appearance of the Conservation Area.
28. I note that the village is located within the Green Belt. I agree with the Council's analysis that the development is not inappropriate development and there would be no effect on openness. There would be no conflict with development plan policies or the Framework in this regard.

Conditions

29. The Council has suggested conditions in respect of Appeal A, in the event that it is allowed. I have considered these in the light of the Framework and Planning Practice Guidance and where necessary have supplemented and amended them accordingly and in the interests of clarity and conciseness.
30. In addition to the standard time limits for both decisions, in the interests of clarity I have specified the approved plans in appeal A. This is unnecessary in the listed building consent appeal, as the decision incorporates the plans.
31. In order to preserve the special interest of the listed building, conditions relating to materials details/samples and details of junctions between the roofs of adjacent properties are necessary. For the same reason, I have also added in details of joinery works as these are unspecified in any detail on the plans.
32. Finally, for appeal A, as detailed above, exceptionally I have imposed a condition relating to survey work and mitigation strategy for bats. The Council's suggested condition would not be precise as it is not pre-commencement and thus would allow for demolition works prior to the condition being complied with and does not reference the mitigation strategy. Instead, I have adopted and adapted the wording suggested by the Wildlife Trust. The appellant has provided written confirmation that a pre-commencement condition is acceptable to them.

Conclusion

33. For the reasons given above, and having regard to all other matters raised, I conclude that both of the appeals should be allowed.

C Searson

INSPECTOR

Schedule of Conditions:

Appeal A Ref: APP/C1950/W/18/3216839

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and proposed plans and elevations (ref 1917-7A), Location Plan, Block Plan.
- 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby granted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples.
- 4) No development shall take place above ground level until details of the design of joinery details for new windows and doors and the junction between the new roof and the existing roof of Norcott and Beggars Roost including plans/elevations/drawings at scale 1:20/1:50 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to the commencement of any works on site, including demolition, an updated bat survey based on the methodology contained in the recommendations in the approved ecological report (Prime environment) has been carried out by a suitably qualified professional ecologist and a report is submitted and agreed in writing by the Local Planning Authority. This type of survey can only be carried out between May and September under suitable conditions. If bats or their roosts are found, the mitigation measures contained in the report must be deployed. The works shall be completed in full accordance with the approved mitigation plan. All required compensatory/enhancement measures must be fully installed before occupation and retained thereafter.

Appeal B Ref: APP/C1950/Y/19/3221082

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and proposed plans and elevations (ref 1917-7A), Location Plan, Block Plan.
- 3) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby granted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details/samples.
- 4) No development shall take place above ground level until details of the design of joinery details for new windows and doors and the junction between the new roof and the existing roof of Norcott and Beggars Roost including plans/elevations/drawings at scale 1:20/1:50 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.